

Oroville Facilities Relicensing FERC Project No. 2100

Baseline Under the Federal Power Act
and Other Laws



Oroville, California

October 22, 2002

What is a Baseline?

- A comparison standard – helps determine significance of any environmental impact
- Not an independent legal requirement
- A practical requirement
- Helps to identify the environmental consequences of a proposed agency action

Baseline for NEPA Purposes

- Use existing project as the environmental baseline
 - As operated under the terms and conditions of the existing FERC license
 - Upheld by the Ninth Circuit Court of Appeals as an appropriate baseline for NEPA and Federal Power Act purposes
- Issue – distinguishing between construction type and ongoing impacts

Baseline for CEQA Purposes

- The physical environmental conditions in the vicinity of the project
 - As they exist at time of filing the Notice of Preparation (or commencement of environmental analysis)

Baseline for Cumulative Impacts (NEPA & CEQA)

- Cumulative impacts that may result from proposed hydropower action
 - “Those which result from the incremental impact of the action, when added to other past, present, and reasonably foreseeable future action” 40 C.F.R. Section 1508.25(c)

Baseline for Endangered Species Act Purposes

- Past and present impacts of all federal, State and private actions and human activities in the action area
- The anticipated impacts of all proposed federal projects in the action area that have completed ESA consultation
- The impacts of State or private actions which occur at the same time as the proposed federal action